

FARMINGTON CITY – CITY COUNCIL MINUTES

NOVEMBER 16, 2021

WORK SESSION

Present:

*Mayor Jim Talbot,
City Manager Shane Pace,
Mayor Pro Tempore/Councilman Brett
Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder Heidi Bouck,*

*Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen,
Assistant Community Development Director
Lyle Gibson,
City Planner/GIS Specialist Shannon
Hansell, and
Assistant City Manager/Economic
Development Director Brigham Mellor.*

Mayor **Jim Talbot** called the work session to order at 6:08 p.m. Councilman **Scott Isaacson** offered the invocation.

DISCUSSION ON WATER CONSERVATION PLAN

The work session was held to consider a presentation made by Public Works Director **Larry Famuliner** about the five-year conservation update required by the State. This is different from the water restrictions proposal that was presented earlier this summer. This addresses the water system, wells, average production, and how much water residents use per day per capita. The State has set water conservation goals, and Farmington is keeping under the target thresholds. Numbers are established to decide how much production is needed if a big housing complex is built with hundreds of units. This can affect storage requirements and well production numbers. It is important for residents to conserve and not run up peak demand. Regarding usage per capita, Farmington's system is in good shape averaging 60 to 65 gallons per day per person. The State wants the City to be under 100 gallons per person per day.

City Public Works Staff met with Weber Basin Water Conservancy District three to four months ago about the Flip the Strip program. **Famuliner** said that the days of in-home conservation are over, as the residential aspect is close to being played out, although continued emphasis and education will be needed. Now, the conservation focus is on outside water and irrigation. In reality, more water consumption can be conserved in the watering of lawns and gardens.

In 2000, the State asked cities to do five-year updates with their involvement. Three years ago, the State began making every water system track everyday water production. Weber Basin had to put in a meter to read daily in order to get these numbers to the State. The numbers used to be submitted monthly, but now it is daily. Finding the peak day where the most water is produced is important to fire suppression and well production efforts. Farmington has used CRS Engineers to help with these detailed efforts. **Famuliner** is pleased that Farmington is well below the daily residential water consumption goals. Residents don't use a lot of culinary water on their lawns, even during this year's drought.

Councilwoman **Amy Shumway** has a duplex in Centerville, where the City has called them if excessive water usage is noticed due to a leaky faucet or running toilet. One toilet caused her monthly bill to go from \$115 to \$340. She asked if Farmington has a way to likewise alert residents to excessive water use. **Famuliner** responded that the meters are capable, but there is not a current way to pull the data. A fixed space unit would be needed, which costs over \$100,000 in one-time money plus ongoing maintenance. Crews used to not read meters in the winter months, and some of the resulting bills got wild. Now, Farmington has a drive-by meter reading system that shows how much water is used at certain parts of the day.

Mayor Talbot said that as a community, residents have fallen in line and conserved during the recent drought, despite the fact that there is always someone who says that since they pay for their water, they can use it how and when they want to.

Famuliner said Farmington can produce 4.5 million gallons of water each day, while residents use between 2 million and 2.5 million gallons a day. Compare that to Weber Basin Water Conservancy District and Benchland Water District, which can use 20 million to 30 million gallons each day. Secondary water was shut off Sept. 20, which was earlier than normal. While he expected chaos with people hand watering with culinary water, he didn't see that. After the middle of September, many realized that lawns don't need much water since the sun is not up as long and temperatures are not as high. **Isaacson** said he wants to put a write-up in the newsletter about how well Farmington is doing in conserving water. **Famuliner** said he would do so in the next newsletter that has space for it.

ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR

Mayor Talbot introduced **Lyle Gibson**, who was recently hired as Farmington's Assistant Community Development Director. He was employed by Kaysville City for seven years, most recently as their community development director. Prior to that, he worked for Salt Lake County for two years, where he associated with **Brigham Mellor**, Farmington's current Assistant City Manager/Economic Development Director. He, his wife, two sons, and two daughters live in Kaysville on Shepard Lane. He plays ice hockey.

PRE-DISASTER MITIGATION PLAN

Mellor addressed the Council, presenting the Pre-Disaster Mitigation Plan that must be done every 10 years. The plan helps the City be ready for when disaster strikes and helps them secure public assistance grant funding. The County runs associated mindfulness exercises. The plan includes concerns and hazards Farmington is preparing for such as earthquakes, wildfire, flooding, mud slides, and chemical releases. A recent addition has been the risks associated with a major gas line that runs through the City.

To plan for earthquakes, seismic evaluation on facilities such as fire stations and bridges are needed. The State Street bridge crossing over the frontage road is crumbling, and will be replaced up to the Legacy Highway bridge. City officials have been working actively with UDOT to address concerns.

To address wildfires, the City needs to be aware of what water is available. The recent fires in Farmington Bay were unique situations, as there was not enough water to douse them during a drought year. **Mellor** said robust water infrastructure is needed, including a new water tank

situation. American Rescue Plan (ARP) COVID-related funds through State grants may be able to help address this situation.

Flooding could cause mud slides in Farmington. Residents should be educated about flood insurance. Recent flooding in Enoch demonstrated that the government can do very little to remedy flooding situations, as at max they can only offer \$3,000 in assistance. Chemical releases in Farmington are a real threat, as there are many road and railways in the City. Chevron recently upgraded the gas line that runs through Farmington, which helped allay some fears. **Mellor** said the City doesn't have many at-grade rail crossings, so most could happen to the north and south of the City until overpasses are constructed.

Mellor encouraged the Council to read the draft of the plan, and email him with any desired changes. Changes can still be submitted to the committee at the County level. He is hoping for a conditional approval during tonight's regular meeting.

SHEPARD LANE EXCHANGE ROAD NAME (NORTH STATION LANE)

City Manager **Shane Pace** addressed the Council, asking for their input on colors and names for the new interchange. "North Station Lane" is the proposed name for the road interchange that will be tied to the future North Farmington Station business park. The State is looking to Farmington to come up with the name.

Shumway said it would be nice not to chop up the road that has ties to the West Davis Corridor and 950 North, as well as Kaysville City. **Mayor Talbot** said he discussed this with Kaysville Mayor **Katie Witt**, and she doesn't seem to have a problem with the "North Station Lane" name. **Pace** noted that the new interchange is entirely in Kaysville on the West Davis Corridor. It is 2000 South in Kaysville, 950 North in Farmington, and on the east it will always be Shepard Lane.

Mellor said consultant Love Communications came up with the name, and made a point that "North Station Lane" would tie in with the North Farmington Station business park destination. It is an attempt to market the business park to interstate motorists. Councilman **Shawn Beus** pointed out that there is also a rail station at North Farmington Station that benefits the whole state, and it would be nice to raise mass transit awareness as well. All Council members gave a thumbs up to using the "North Station Lane" name.

Pace also sought input on the color of City Hall's siding. Staff would like to start painting right away. He passed around samples of tan, off-white and gray for the Council's consideration. An unofficial survey taken of city employees earlier revealed gray as the top choice, which is nice next to the charcoal gray asphalt shingles on the roof. **Mayor Talbot** said gray is a nod to Farmington rock used throughout the City, and it contrasts nicely with the red brick. **Beus**, **Isaacson**, and Councilwoman **Rebecca Wayment** said they all liked gray. **Shumway** noted that the Community Arts Center needs to be repainted from its current brown.

Mayor Talbot thanked those involved with the recent elections, saying everyone did a great job and contributed to a community of respect. He knows from experience that campaigns are not easy, and can tear candidates apart. **Shumway** said she wished more residents had come to the campaign forums and events. **Mayor Talbot** remembers past debates that drew large crowds, but not many in the past eight years have been like that. **Mellor** noted this could be because of the waning of community newspaper coverage.

REGULAR SESSION

Present:

*Mayor Jim Talbot,
City Manager Shane Pace,
Mayor Pro Tempore/Councilman Brett
Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder Heidi Bouck,
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Petersen,
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Lyle Gibson,
City Planner/GIS Specialist Shannon
Hansell,
Assistant City Manager/Economic
Development Director Brigham Mellor,
City Attorney Todd Godfrey,
Public Works Director Larry Famuliner,
and County Commissioner Lorene Kamalu.*

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:01 p.m.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Councilman **Shawn Beus** offered the invocation, and the Pledge of Allegiance was led by **Mayor Talbot**.

PRESENTATION:

Canvass for General Election held November 2, 2021

City Recorder **Heidi Bouck** presented this agenda item. This is **Bouck's** last day with Farmington City, as she has taken a new job. She noted that the official tabulation as provided by the County was emailed to City Council members previously.

There were 5,255 total ballots cast out of 13,647 registered voters, for a voter turnout of 38.51%. The General Election was conducted by all mail-in and provisional ballots. There were 60 total ballots not counted. Three had no proof of identity; four had no signature; 21 had a signature that did not match; and 32 were not timely. Councilman **Scott Isaacson** asked if the 21 people with signatures not matching were contacted. City Manager **Shane Pace** said there were attempts to try to contact each of them.

For Mayor, **Brett Anderson** got 3,114 votes while **Rebecca Wayment** got 2,073 votes. A total of 5,187 votes were cast for the Mayoral race.

For the two open City Council seats, a total of 9,404 votes were cast. **Alex B. Leeman** got 2,837 votes; **Melissa Allphin Layton** got 2,554; **Shawn J. Beus** got 2,321; and **Tyler L. Turner** got 1,692.

Motion:

Councilwoman **Amy Shumway** moved that the City Council approve the canvassing of the election.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

REMARKS:

County Commissioner Lorene Kamalu

Davis County Commissioner **Lorene Kamalu** addressed the Council. She said she and her husband switched their voting envelopes in the latest election, and they were both contacted by election officials. She recognized the Councilmembers for their service in their great and important work. She is astounded that **Mayor Talbot** has served the City for 17 years, which is a long period of time. She noted that her sister lives in Farmington.

Kamalu updated the Council on the future of the Legacy Events Center, although what can be made public at this point is limited. There are plans to remodel and expand, which will mean some buildings will have to be taken down. This is a super big deal for the County and for Farmington, and the County has been sure to consult with Farmington Community Development Director **Dave Petersen** and **Pace**. At this point, an architect has been chosen. The arena will be renovated and a building will be added. The grounds will be reconfigured with an intentional space to become a facility like no other in the region, not just the state. It will be able to host large events, including large sporting events. There is a great demand for facilities that can host regional and national events. Big, giant basketball and volleyball tournaments need a lot of space. The intent is that this will be a facility that doesn't already exist in the region. The School District can hold graduations in this future facility instead of travelling further south.

The financial folks, including Davis County Clerk Auditor **Curtis Koch**, have been watching the market and have a good idea of the investment needed. It will likely be financed by bonds. This has been discussed for years, and is an asset that could do great things for this County while hosting not only local groups and events, but leveraging tax benefits while patrons shop, eat and stay in Davis County. There is a lot of demand for the arena. Over the years, Commissioners have tried to figure out the highest and best use for this public land as cities have filled in. There are many options, and many potential buyers have stepped forward.

While active, the equestrian community participating in things like the 4-H program has dwindled. Since 2008, there has not been much demand for the horse arena. County Fair participation has also decreased over the years. The County has decided to partner with Utah State University to preserve agricultural heritage and education. There may be another arena that USU will manage. USU has donated property, and the County is willing to build an indoor and outdoor arena. These facilities could host traditional elements of the county fair, which would be rebranded under a different name while moving in a different direction than the carnival aspects of the traditional fair. Because construction in general has been so delayed, **Kamalu** said she wonders if the new arena will be ready for next summer, although that was the original goal.

She is not sure what it would take to get State movement on making Farmington Canyon safer, but believes one-time funds may be able to address that. The County Community and Economic Development Department may be able to help out, as trails and transportation all come together in that canyon. The Forest Service closed Sunset Campground, and the interaction between federal and local responsibilities is slow and tricky. It is slow moving to address safety. She said local City and County governments can work together with Congressional delegates and their Staffs to address this.

Mayor Talbot said he has enjoyed his association with the County and its Commissioners over the years. This particular Commission has been open to try improvements. He hopes the County will help take the lead as Farmington's business park develops to the north. He would like a connection from Station Park to the new Legacy Events facility to create a marvelous partnership that shows Farmington is unique. **Kamalu** said she has brought that up in ongoing discussions with **Petersen** and **Pace**.

PRESENTATION:

Plaque Presentation to Outgoing Councilmembers and Mayor

Mayor Talbot said he is winding down his administration and 17-year career with the City as he prepares to serve an LDS mission in Hawaii. He expressed his deep gratitude for Council members and candidates who put their names, reputations and families out there for critique over the years. He said his time with the city has been a remarkable life experience. He presented the Council with gifts. He noted **Beus**'s contribution to affordable housing. He and Councilwoman **Rebecca Wayment** have been on the same team for a long time, including time spent on both the Planning Commission and City Council. He complimented her on her recent mayoral race. He noted that Councilman **Brett Anderson** will be vacating his City Council seat to become Farmington's next mayor. **Mayor Talbot** recognized his service on both the Planning Commission and City Council, saying he had great faith in him as the future mayor.

Anderson presented **Mayor Talbot** with a plaque noting his 17 years of service to Farmington.

PUBLIC HEARINGS:

Schematic Subdivision and Zone Change Ordinance – Kirkham Orchard Subdivision

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. Kirkham Orchard is a proposed conventional subdivision located at approximately 1000 N. Compton Road. The 2.45-acre property consists of a 13,700 square foot portion of Agricultural Foothill (A-F) zoning, with the majority of the property being zoned Large Residential-Foothill (LR-F). This would be bringing the smaller leftover A-F portion into the larger LR-F portion. The applicant is requesting that five lots be created via subdivision, which requires a zone change for the small A-F portion to LR-F. All five lots are the size permitted in that Zone. The Planning Commission reviewed and recommended the rezone and schematic subdivision on Nov. 4, 2021. A special exception was also requested and approved for an access to proposed Lot 3, crossing Lot 4. Lot 4 is not a flag lot, as it has frontage on the south.

Petersen said this was part of the original town site. What is now a trail will be a dedicated public Right of Way (ROW). It has frontage on a dedicated ROW, not just a trail. Cars don't use it because it is too narrow right now. The new access will be through Kirkham Circle, which will be a private road. Flag lots are still allowable, but the applicant would have to go through the Planning Commission.

Applicant **Daniel Barton** (975 Compton, Farmington, Utah) said Kirkham Circle is a private drive. The city would not be responsible for the 148 feet long, 20 feet wide drive. He has lived there with his wife for three years. She is the granddaughter of **Milo Kirkham**, who lived in the home from 1955 to 2017. The couple is now renovating the home and putting landscaping in to

beautify the area. Plans are for a few single-family lots. They don't intend to sell Lot 3, but would like it zoned while doing everything else.

Shumway asked if there were drainage issues on the back lot. **Petersen** answered that in the previous iteration with two or three more lots, there had not been enough room to retain the drainage. So, the previous plan was scrapped and the idea was abandoned. In the new plan, Lot 1, 2 and 5 would drain to the street.

Mayor Talbot opened and closed the Public Hearing at 7:46 p.m. Nobody signed up in person or electronically to address the Council on the issue.

Anderson said that because the application is consistent with the neighborhood, he has no heartburn.

Motion:

Anderson moved that the City Council approve the Kirkham Orchard schematic subdivision plan, subject to all applicable Farmington City ordinances and development standards, and approve the enclosed enabling ordinance rezoning a portion of the property from A-F to LR-F, including Findings 1-2 in the Staff Report.

Findings 1-2:

1. The rezone and schematic subdivision plan are consistent with the City's General Land Use Plan and Zoning Ordinance.
2. The lot sizes proposed are similar to those of surrounding subdivisions and properties.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote.

Project Master Plan (PMP)/Development Agreement (DA), and Schematic Subdivision – Maverik

Hansell presented this agenda item. This gas station project is located on corner of Park Lane and the future Commerce Drive, and has been reviewed by both the City Council and Planning Commission before. The City Council approved the initial layout and concept, but tabled the PMP/DA on March 2, 2021, for it to go back to the Planning Commission, who reviewed it October 7, 2021. At that time, the Commission tabled the item, citing improvements to the elevations. At the November 4, 2021, Planning Commission meeting, Maverik presented elevations that accommodated earlier requests. The applicant added faux windows, awnings, masonry elements, and water-wise landscaping. The Commission now recommends this for approval.

Cassie Younger, representing Maverik, addressed the Council. She said access has been moved further to the south for ease of mobility through the site. The patio size has been doubled for a large pedestrian plaza. Landscaping was added to shield the parking areas and provide adequate buffering. Faux windows and awnings were added to the back and side. The applicant plans to start construction in the spring.

Shumway asked if Maverik had discussed adding charging stations. **Younger** answered that Maverik has a few locations with charging stations, but they are not well utilized. The

technology for electric vehicle charging is developing. Fast charging is very expensive. It takes 30 minutes or more to charge a vehicle, and the average gas station customer spends about 12 minutes on Maverik property. Chargers are better where people spend longer times such as at an apartment complex or work place. It doesn't make sense for Maverik to include electric chargers at this point, although they are considering them in the future.

Mayor Talbot thanked **Younger** for making the changes. **Beus** said it enhances the walkability of the project, which he appreciates.

Mayor Talbot opened the Public Hearing at 8:02 p.m.

Davis County Commissioner **Lorene Kamalu** (Kaysville, Utah) mentioned that rapid charging stations are coming this spring to the Legacy Events project, using tourism funds.

Mayor Talbot closed the Public Hearing at 8:03 p.m.

Anderson said he is thrilled to have a Maverik on the west side of the City, as it has been needed for years. **Isaacson** said it would be within walking distance for him.

Motion:

Wayment moved that the City Council approve the Maverik Schematic Subdivision plan and Project Master Plan/Development Agreement, subject to all applicable Farmington City ordinances and development standards, including Findings 1-6 in the Staff Report.

Findings 1-6:

1. The initial layout was approved by the Planning Commission and City Council.
2. The developer has worked with the City to provide the requested updates to the elevations, and Staff is satisfied with these updates.
3. The applicant has provided essential mixed-use elements to their plan, including bringing the building to the frontage, a complete landscape plan, and a plaza for pedestrians and customers alike.
4. The gas station provides a relatively interconnected travel system for multiple modes of transportation, including bicycles and pedestrians.
5. The patio defines a public space, creating high quality public realm.
6. The public comment received by the City has been favorable to the Maverik.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote.

Isaacson said he appreciated the accommodations made by the applicant at the City's request. They weren't obligated to make the changes, but they respected the City's values and interests, which meant a lot.

Project Master Plan/Development Agreement, Regulating Plan Amendment, Schematic Subdivision Plan – The Everly

Hansell presented this agenda item. This apartment project is next to the Maverik, with frontage on Commerce Drive. The applicant has proposed a 418-unit multifamily project. This has been seen by the City Council and Planning Commission before, and tonight's meeting will be its fourth public hearing. There have been some changes since the Council first saw it in October of

2020. They were going to do a tiered building, starting with two levels and then tier up east to four stories. However, since then, the Commerce Drive alignment was changed and realigned, and the Everly lost land to the office area. They now want to do away with the commercial retail area originally proposed. The L-shaped building will be configured so the parking will not be seen as much.

Petersen said this is a dramatic change from residential to more office. The Boyer submittal has office buildings and retail, which will make up for the two to three retail pads lost. The housing projects got smaller. The applicant upgraded their elevations from a year ago. The Park Lane area is very visible, and this has a good corner look when entering the project with a three-story L-shaped building. It is a good football field length from that building to the nearest existing residential building, and it would be across the street from three-story buildings. Things were shifted around to front Commerce, and it will be the best face forward, which was done purposely. On the north, all buildings are two stories. There is some clubhouse space on the first floor under some residential units.

The Planning Commission liked it, but debated the corner a bit. There have been four major developers seen in the last 1.5 years, and the City knew affordable housing was coming. In the proposed conditions of approval, the DA would be updated for the applicant to provide affordable housing equal to or greater than 10%, which reflects a compromise made with the applicant. As site plan issues are addressed and Commerce Drive is being finalized, issues such as build-to lines will be solidified. The Council can expect to see things come back in final form.

City Attorney **Todd Godfrey** joined the meeting.

Petersen said while three-story apartment buildings are not permitted in the Residential Mixed Use (RMU) zone, the applicant is requesting that the City permit such a use under Section 140 of the Zoning Ordinance. This type of decision is analogous to a legislative act and is at the sole discretion of the City, as it is a policy question. Since 2007, the applicant has entitlements to do multifamily. The debate is only on the building heights. They are coming in under Section 140 because they are exceeding more than six units per building.

Applicant **Zach Hartman** (395 Parleys Road, Park City, Utah) addressed the Council, saying he is pleased to come back with a better iteration. He is worried about the condition of affordable housing, as the median home prices have gone up 50%. He praised Farmington for being willing to try things other cities haven't to address the problem. However, he would like to address affordable housing in the next phase of his project. He said he is passionate about it, and the City can hold him to it. He said it is difficult to get a staircase in the L-shaped building and make it work economically.

Mayor Talbot opened and closed the Public Hearing at 8:26 p.m. Nobody signed up in person or electronically to address the Council on the issue.

Shumway said she was having a difficult time understanding the affordable housing element of this project, as the City wants affordable housing spread throughout the community, and not centralized.

Petersen said when it comes to rental housing, 64% of Area Median Income (AMI) is market rate. A family of four making 80% AMI will spend \$1,300 to \$1,400 a month on housing. They would be in affordable housing, but it is really market rate. This applicant needs to provide 40

units of affordable housing, and they are trying to get people with low to moderate incomes able to get ownership. **Pace** mentioned that the applicant is entitled for 300 more units in Phase 2. Seventy affordable housing units can be spread throughout the 300 units of Phase 2. **Petersen** said this could depend on the wetlands.

Assistant City Manager/Economic Development Director **Brigham Mellor** said what makes this different from other residential is that between the office and this residential component, they will generate roughly \$2.4 million in affordable housing money in Community Reinvestment Project Area 3 (CRA 3). It is a different animal in that it will generate a huge pot of money the City can use in different ways throughout the City for affordable housing.

Wayment said that Section 140 is meant to be an exception to the rule rather than the rule. However, over the last year, all the City has seen are exceptions to the rule. She understands the need to be flexible and accommodating, but it bothers her that most of the things coming in haven't been businesses in the commercial areas. Instead, the City just keeps getting higher and higher density housing with promises for affordable housing in the future. Applicants keep wanting more stories and more density. It is a buzz kill to the City's vision for the business park, as they did not want a whole lot of residential.

Anderson asked how the City can say the standard for deviation under Section 140 has been met. **Petersen** answered that the applicant wants some residential, but it will not take over the whole thing. However, the applicant already has their entitlement. The non-housing area actually grew larger with the realignment of Commerce Drive, and the applicant is O.K. with that. There is a huge chance the City will get commercial on the other side of Commerce, and **Petersen** is willing to wait it out. The Evans family has been there 140 years, and they are willing to wait it out for the long term. He assured that office is coming.

Anderson said the applicant had their entitlement in 2007, so they can throw apartments in there. However, the affordable housing statute gives the City power to require 10% affordable housing. It wasn't discussed if the City wants any of the other options.

Hartman said he has done affordable housing for a decade, but he is not sure how it helps people in the long term. He wants people to have ownership to bridge the gap. Adopting affordable housing as it has been done in other states has failed. Between the CRA funds and what he can do in Phase 2, affordable housing can be addressed.

Mellor said the City has funds to build the road, but it doesn't have the ground to build the road. A key component to this application is that the applicant is agreeing to give the City the ground to build the road. While this is a more dense project than originally proposed, office can't be built without the road. The road doesn't get built until the City gets the ground with cooperation from the Evans family. The School District is willing to forgo \$17 million over 20 years in order to build this project out, and they are not worried about the residential component. They are committed to this. Everyone is working together, and this is the best way to proceed.

Pace said there are two plans to consider along with this application: CW Management and Stack. Stack has 2 million square feet of office space reserved. That means that once the road is in, they have enough interest for two buildings. CW Management is working with Weber State University as its first tenant. How soon Boyer will move is yet to be seen, but they are

advertising. So, office is coming. Part of the problem is getting the roads in. Office will come faster once the City gets the roads in.

Beus said he has some heartburn over the Denver and Rio Grande Western Rail Trail (D&RGW Rail Trail) that should be part of the compromise. Overall, for him, the possibility of owner-occupied affordable housing is difficult to pull off. He said there is a need for language spelling out 70 units. The L-shaped building on the southwest gives him some heartburn.

Anderson said he is having a hard time finding a monetary, tangible, or intangible benefit to the City upon which to base the applicant an exception. **Petersen** said the answer is the road. They own the dirt, and are willing to give fee title to the City. This is the proposed benefit to justify giving the deviation.

Isaacson said that another benefit to the public is this is a much better development than they could have put in. It could have been boring six-plexes, which they have the right to do if that was their intent. He sees a public benefit and likes the L-shaped building that hides a bunch of driveways. The three-story buildings on the corner don't bother him because they are a football field away from existing housing. This is a high quality development instead of putting in as cheap of a building as they could get away with.

Shumway said she likes the idea of owner-occupied affordable housing as a public benefit the City gets out of doing Section 140. She would really like to see owner-occupied affordable housing in Farmington. The developer is seeing the vision, and she would like to hold them to the owner-occupied affordable housing.

Petersen recommended that the Council not approve the regulating plan yet, as it is a zone text change that is a legislative act. This is not the final DA, and the final version will come back to the Council.

Wayment inquired if the City were to ask for the L-shaped building on the corner to be a two-story building, if that would kill the whole development. She believes it is worthy asking in order to protect the current residents. **Anderson** said he would be more comfortable with the L-shaped building being two stories instead.

Hartman said that every unit they lose will be taken out of the affordable housing count. In the 27-plex, considering three stories, that would mean nine units would be lost. So that would mean 15 affordable units.

Mayor Talbot said the three proposed stories would be a football field distance from the existing single-family homes. If there is going to be a three-story building, that is the best place to do it. If the City desires affordable housing in Phase 2, this is the win-win way of doing it. There is a time and a place, and it is getting close to some of the office product. He is admittedly frustrated that the City keeps getting housing up front. However, he likes the project, and the fact that there is a compromise to get a road. It is important for the Evans family to see that the City is not the enemy. They are now working with the City.

Shumway said the dialogue needs to be flipped and kept positive. The City has a rule that there are two stories along the Rail Trail. She said now the City is contemplating giving this applicant 100 extra units if they agree to allow three stories. **Petersen** said that is not true considering the upcoming phases, where they will get fewer units. He said to the passerby, more than 50% will

be office before residential is built out and occupied. To the applicant, they are getting less residential and more office.

Beus said he is stuck on the three stories by the Rail Trail. He feels the City gave their word to do only two stories along the trail, and trails are one of the City's greatest assets. **Wayment** said the City is already giving the applicant a bonus, so she feels short changed. Nine units is not that much for the applicant to give up. The Council may have to start sticking to its guns, and try to identify a public benefit that she feels is just not there. She wants the impacts along the trail to be minimal.

Anderson said there seems to be three Council members who feel strongly about the tiered approach. **Petersen** said based on the form-based code, he is not sure how many units the applicant is entitled to, although they have a right to density. He feels it is close to the maximum they could get.

Issacson said if it is close to the maximum, then the City is not giving a bonus, just three stories instead of two in certain areas. In general in Utah, building needs to go up because we are running out of land. He doesn't see an impact to having three stories there, because the neighbors to the west are far enough away they can't be seen.

Wayment said if she is seeing the aerial map correctly, the trail crossing where there are many accidents is right at the corner. This is one more reason to stick to the tiered approach. That is a really dicey area anyway. **Issacson** said trail users are not going to see it any sooner if there are two or three stories.

Petersen said a majority of the Planning Commission felt O.K. with three stories. **Anderson** said that when he read the minutes, he felt the general beef was the high density, not the heights of the buildings.

Mayor Talbot said his gut feeling is the City got some compromise. They are getting a huge benefit, and they tried to dress up the buildings and make sure to hide the garages. **Anderson** said he is feeling himself become more resigned, and asked if landscaping could be used to buffer that corner to obscure the building height.

Hartman said landscaping preserves value, and he would be fine with that being added as a condition. Mature trees on that side of the building seems reasonable to him.

Hansell asked if landscaping would block the line of sight for pedestrians on the Denver and Rio Grande Western Rail Trail (D&RGW Rail Trail) even more. **Anderson** said he was thinking the trees would be on the border running north to south.

Motion:

Shumway moved that the City Council approve the PMP/DA and Schematic Plan, subject to a-e as outlined in the Staff Report, including Findings 1-4 also in the Staff Report.

- a. The City Engineer look at the site triangle of the crossing of the Denver and Rio Grande Western Rail Trail (D&RGW Trail) and Park Lane with respect to the L-shaped building at the southwest corner of the proposed site plan. If he feels it is justified, require the developer to have a traffic engineer do a sight triangle analysis for safety.

- b. Reduces the westernmost third story units to two stories consistent with the Visionary Homes project to the north along the D&RGW Trail. This refers to the L-shaped building on the southwest corner.
- c. The PMP must meet all standards set forth in Section 11-18-080 of the Zoning Ordinance.
- d. The final development agreement—pursuant to Section 11-18-140E of the Zoning Ordinance, including more specific alternative standards to the underlying zone, if necessary—shall be recommended by the Planning Commission and approved by the City Council prior to approval of the final site plan and final plat approval for the entire project or any phase thereof.
- e. The development agreement shall be updated to show that the applicant must provide affordable housing, consistent with Farmington City ordinances, within the PMP or off-site (possible another phase), equal to or greater than 10% of the total number of dwelling units ultimately approved for the PMP. In keeping with Farmington City ordinances, the applicant may also provide a fee in lieu or some other public benefit. The City Council would like the applicant to explore and report back on owner-occupied affordable housing opportunities.

Findings 1-4:

- 1. The developer has worked with the City to provide a development with tiered building heights, a design which lends itself to the streetscape, and works with the future “Commerce Drive.”
- 2. The project takes into account the Chapter 18 design standards, with a Project Master Plan to support any deviations from that chapter.
- 3. Therefore, the project follows the City’s General Plan.
- 4. Pursuant to the motions above, the Final Development Agreement will establish a mix of uses in locations promoting the goals of the mixed use districts, consistent with any development standards determined by the City, and will establish circulation and transportation features sufficient to meet the requirements of the Regulating Plan.

Wayment seconded the motion. **Isaacson** opposed the motion. The vote carried 4-1.

Motion:

Anderson moved that the City Council table consideration of an amendment to the Regulating Plan after review and approval of a preliminary plat by the Planning Commission.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

The Council took a short break.

600 North Street Vacation

Petersen presented this agenda item, which presents a survey error. Part of the legal description was in error and the vacation next to this parcel did not occur. This approval makes right the original intent of the 2008 City Council. Due to these circumstances, the City Attorney recommended that the City Council re-consider the action, including a new ordinance at a duly noticed public hearing. There are water lines under there and the City needs to maintain all easements.

Godfrey said when a street is vacated by way of plat or generally by deed from a property owner, it reverts by operation of law to an adjacent property owner. When you have a townsite road, those roads are vested in the ownership of the City without reservation. The City continues to own the ROW until it is deeded. In this case, the City will vacate, then convey deed to the property owner.

Mayor Talbot opened and closed the Public Hearing at 9:35 p.m. Nobody signed up in person or electronically to address the Council on the issue.

Motion:

Isaacson moved that the City Council approve the enclosed ordinance vacating a portion of the north side of 600 North Street at 28 East subject to Staff verifying the easements are in place for any existing sewer, water, storm drain, secondary water, or public utilities, and including Findings 1-3 in the Staff Report.

Findings for Approval 1-3:

1. 600 North is identified as a local street on the City's Master Transportation Plan (MTP), and this action is consistent with that plan.
2. The street vacation is consistent with other vacations in the vicinity on 600 North Street.
3. As part of the development of the once adjacent Canyon Park Subdivision (a predecessor to the Rock Mill Estates Subdivision), the City Council approved Ordinance 2008-01 on January 8, 2008, vacating a section of the 600 North Right-of-Way; however, that part of the legal description to the ordinance adjacent to 28 East 600 North (Parcel #07-014-0042) was in error and the vacation next to this parcel did not occur. This approval makes right the original intent of the 2008 City Council.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote.

NEW BUSINESS:

Resolution Adopting the Water Conservation Plan

Public Works Director **Larry Famuliner** presented this agenda item. The City and CRS has completed an update to the water conservation plan. Per the Utah Water Conservation Plan Act, the water conservation plan must be updated every five years. The City's plan has to be updated and adopted by the end of the year. The water conservation plan is a tool to have a strategic plan to reduce water usage and encourage conservation. City Staff has reviewed the water conservation plan and recommend that it be approved.

Famuliner said the City is ahead of schedule on many of the goals that were established at the plan's conception. Ninety five percent of the City is covered by secondary water. The 5% that isn't, such as the bottom of 650 West on the south end, use higher amounts of culinary water.

Motion:

Beus moved that the City Council approve the resolution which adopts the Water Conservation Plan update.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Utah Department of Transportation (UDOT) Contract to Purchase Land for West Davis Corridor (WDC) Right-of-Way (ROW)

Mellor presented this agenda item. UDOT purchased several pieces of ground from the City this spring for the ROW associated with the West Davis Corridor. As UDOT's contractors have started construction, they have determined they need more of this particular parcel for the ROW. Selling this parcel to UDOT will not have any negative impact to the City or its residents beyond what the highway is already imposing. The State has authority to condemn municipal property should the Council refuse to sell. UDOT would still have to pay market value, but ultimately, the City would be forced to sell this land to UDOT. It is 834 square feet of land to be sold to UDOT for \$8,500.

Isaacson asked who the grantor would be referred to on Item #2. **Pace** answered the grantor is the City.

Motion:

Isaacson moved that the City Council approve the purchase contract for the sale of 834 square feet of land (parcel as described as 244B in the contract) to UDOT for \$8,500, correcting the reference in Paragraph 2 from "grantor" to "owner."

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Talbot recognized **Melissa Allphin Layton**, who recently successfully ran for City Council, in the audience.

Davis County Pre-Disaster Mitigation Plan – Resolution

Mellor presented this agenda item. A Pre-Disaster Mitigation Plan (PDM) is required by Federal Emergency Management Agency (FEMA) to qualify for funds in the event of a natural disaster emergency where reimbursement is requested through the Public Assistance Grant (PAG) program. In the past 10 years, the City has submitted for such assistance twice, and three times if you count the pandemic. PAG is the mechanism by which a City is granted funds in the wake of a natural disaster such as the Farmington windstorm in 2011 when the City received over \$100,000. The City will eventually receive \$300,000 from FEMA for cleanup of the 2020 windstorm. This is an important document if for no other reason than it qualifies the City for assistance. This PDM was compiled by **Chad Monroe** with Davis County and their assistant, with input from Farmington. **Mellor** said Farmington benefits immensely from County projects like this because the City does not have the full-time personnel to keep up with these reports. At 300 pages, this is not a light document, and it is the best emergency plan the County has ever done. When this is approved, Farmington's contribution has been completed for the next 10 years.

Shumway noted that Farmington was lacking in its communication tree, which made her realize how vulnerable the City can be. **Pace** said it may have been a lack of communication on Farmington's part to let the County know about their system. **Mellor** said there are a number of

things that can be improved and coordinated. **Mayor Talbot** said this is a good system, and with the help of the LDS church, there is a good plan.

Motion:

Anderson moved that the City Council approve the Resolution adopting the Davis County Pre-disaster Mitigation Plan.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote.

Motion:

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including Approval of Minutes from October 19 and 26, 2021; and Improvement Agreement – Farmington Orthostar LLC.

Motion:

Shumway moved to approve the Summary Action list items as noted in the staff report.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

GOVERNING BODY REPORTS:

City Manager Report

Pace presented the Fire Activity Report for August and Building Activity Report for October. He said the City has been successful in getting all the tenants out of the apartments that the City purchased except one unit with two people, one of whom is bed ridden. The eviction process will start tomorrow. This has been a difficult case involving **Mellor**, the Police Department, and Building Official **Eric Miller**. Another tenant contacted Channel 4 claiming the City was terrible. When the City explained to the reporter what the City has done to try to transition the tenants, she changed her initial approach. **Pace** said the City has bent over backwards to offer tenants help, but some just aren't cooperating. There has been absolute lack of cooperation on the tenants' part.

Pace mentioned that this would be **Bouck**'s last meeting as the City recorder, as she has taken another job working closer to her home. The City will begin the process of replacing her with an in-house employee who is interested in taking that position. **Mayor Talbot** said **Bouck** will be missed.

Mayor Talbot recognized **Dave Millheim**, former Farmington City Manager, in the audience.

Mayor Talbot and City Council Reports

Wayment gave a shout out to the Farmington High School marching band, who placed first in region and second at state while competing for their first time in the 6A bracket. They have exceeded expectations. **Shumway** mentioned that the high school cross country team took first in 6A. The mini bowl tackle football team is also doing well.

Beus said it was a good opportunity to go to the Utah Mosquito Abatement Association Conference in Park City recently. Farmington's district is in great hands. The Historic Preservation Commission desires a regular feature in the City newsletter.

Isaacson said he is appalled by the recent reports of racism in Davis County Schools, and he wondered if a statement from the City expressing their concern would help the situation.

Shumway has heard the district created a whole department just to handle this situation. **Mayor Talbot** said he has grandchildren in high school, and the issue of racism has never been raised. He is not sure if it is any different than bullying that ends up involving race. It is horrible, but kids do bully. The School District is being challenged and the Superintendent has a big project ahead of him. He is saddened to hear the reports.

Pace said the grant money for The Farm will be for an extra mountain bike trail technical course. There is \$25,000 left in the grant that was obtained, and the plans will cost \$10,000.

Mayor Talbot said he has a lot of memories as he leaves his post as mayor. Tonight will be his last meeting. After being approached by **Mayor David M. Connors**, he spent five years on the Planning Commission, many late nights that went to 12:30 and 1 a.m. He also spent four years on the City Council before serving eight years as mayor. That was a total of 17 years that have been rewarding and enjoyable. Outside his marriage, family and church, his time with the City has been the most rewarding and enjoyable, even over his successful business. Over the years, he said the commissioners and council members that have also been attorneys have helped the groups they serve with. It helps streamline things. He also appreciates the perspective women bring while they serve the City. **Mayor Scott Harbertson** asked him to extend his time as chairman of the Planning Commission, then later asked him to run for City Council. He is still not even sure why he chose to run for mayor, but it has been very fulfilling and rewarding, even though there is no glory in it. It is a matter of catching a vision and carrying it on.

He has seen the City grow. In his business, Kmart was a preferred customer. He felt Farmington needed something besides Smith's and saw that Kmart could add \$100,000 to the City budget. He went to City Staff and begged them for a Kmart next to Smith's, but they wanted it across the street and not part of the retail center. During his 17 years with the City, he saw Station Park through from its initial conception. He wants the east side of the City to stay quaint even while the west side doesn't. The west side is what will allow the City to survive.

He thanked the Council members for their friendship and being a part of his life. They have learned to disagree without getting mad. He said people are jealous of Farmington, and he hopes he leaves the City better than he found it. Just because Councilmember hear one complaint, that doesn't mean there is a huge problem. He encouraged them to keep their perspective on the whole picture. He distributed gifts to the Council.

ADJOURNMENT

Motion:

Shumway made a motion to adjourn the meeting at 10:25 p.m. **Beus** seconded the motion, which was unanimously approved.

DeAnn Carlile, Recorder